

evidence regarding the project. His testimony that he never suspected that there was a problem with the list was inconsistent with other evidence that he met with Mr. Livingstone and Ms. Anderson in December 1993 to discuss the problems with the project. There is also simply no evidence that, as he testified, after that meeting he "changed [his] approach" to the Project. He also testified that he would not order a background report unless he also had a new SF-86, contrary to his admitted understanding of the project and Ms. Gemmell's practices and instructions.

His immunized testimony confirmed, consistent with the evidence of his December meeting with Mr. Livingstone and Mari Anderson, that he did realize that there was a problem with the list, but only after the creation of hundreds of "dead" files and the unnecessary review of sensitive background information of individuals who no longer required access to the White House. Similarly, he admitted that he asked for reports from the list without regard to having a new SF-86 and that he did nothing to change his approach after that meeting, although he said that by "change of approach," he had meant his realization of the existence of a problem.

2. Mr. Marceca's Statements That He Read the Contents of the Background Reports Only in Certain Circumstances Were False.

Mr. Marceca made numerous statements that he read all confidential FBI background reports requested for the Update